

IN THE SUPREME COURT OF THE STATE OF DELAWARE

RICHARD WHITE,

Plaintiff Below,
Appellant,

v.

STATE OF DELAWARE,

Appellee.

§

§ No. 365, 2022

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§ Court Below: Superior Court
§ of the State of Delaware

§

§ Cr. ID No. 1703022008 (N)

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Submitted: December 8, 2022

Decided: February 22, 2023

Before **SEITZ**, Chief Justice; **VALIHURA** and **TRAYNOR**, Justices.

ORDER

After consideration of the appellant's opening brief, the appellee's motion to affirm and the record on appeal, we conclude that the judgment below should be affirmed on the basis of the Superior Court's order, dated September 7, 2022, denying the appellant's motion for reargument and the Superior Court's order, dated July 6, 2022, holding that the appellant's motion for postconviction relief was procedurally barred by Superior Court Criminal Rule 61(i)(3). To the extent the appellant contends that he was deprived of counsel in the postconviction proceedings, he did not request appointment of counsel in the Superior Court and has not shown that he would have satisfied the Rule 61(e)(3) criteria for appointment of counsel.

NOW, THEREFORE, IT IS ORDERED that the Motion to Affirm is GRANTED and the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Collins J. Seitz, Jr.
Chief Justice